

HOUSE No. 4710

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 2, 2006.

The committee on Education, to whom was referred the petition (accompanied by bill, House, No. 1118) of Alice Hanlon Peisch and others relative to the high school graduation of certain students with disabilities, reports recommending that the accompanying bill (House, No. 4710) ought to pass.

For the committee,

PATRICIA A. HADDAD.

The Commonwealth of Massachusetts

In the Year Two Thousand and Six.

AN ACT TO ENSURE THAT STUDENTS WITH DISABILITIES HAVE THE OPPORTUNITY TO PARTICIPATE IN HIGH SCHOOL GRADUATION CEREMONIES WITH THEIR NONDISABLED PEERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 71B of the General Laws is hereby amended by
2 inserting after section 15 the following section:—
3 Section 16. A school age child with a disability (hereafter, “student”) who is completing the twelfth grade year but who has not
4 yet earned the competency determination as required under
5 section 1D of chapter 69 of the General Laws, shall be allowed to
6 participate fully in high school graduation ceremonies and activities conducted or sponsored by the school or school committee
7 even though the student will not receive a diploma during the cer-
8 emony, provided that:
9 (a) The student has maintained at least a 95% attendance level,
10 meaning no more than nine days of absence from school in a 180-
11 day school year, during the school year prior to the twelfth grade
12 year; however, a student’s absence from school due to disability,
13 illness, religious observance or other reason that constitutes an
14 excused absence under the school’s or school committee’s rules
15 shall not be counted for purposes of this section;
16 (b) The student has taken the grade 10 MCAS examination in
17 each subject area in which the student did not achieve a passing
18 score at least three times, or has participated in the MCAS alter-
19 nate assessment by submitting at least two portfolios; and
20 (c) The student is in good standing, having met all of the
21 school’s or school committee’s non-academic standards for stu-
22 dents to be eligible to participate in graduation ceremonies and
23 related school activities.
24 Nothing in this section shall compel a student to participate in
25 the high school graduation ceremony and activities. The superin-

28 tendent shall consider the recommendation, if any, of the student's
29 IEP Team as well as the student's own expressed preference.
30 A student's participation in the high school graduation ceremony
31 and activities, without award of the high school diploma, shall
32 not affect or limit the student's eligibility for special education
33 services.